



House of Representatives

General Assembly

File No. 498

January Session, 2019

Substitute House Bill No. 7299

House of Representatives, April 8, 2019

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 51-164n of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) Notwithstanding any provision of the general statutes, any
5 person who is alleged to have committed (1) a violation under the
6 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
7 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
8 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
9 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
10 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
11 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
12 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
13 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
14 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

15 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
16 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
17 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-
18 67a, subsection (g) of section 14-80, subsection (f) of section 14-80h,
19 section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-
20 153 or 14-163b, a first violation as specified in subsection (f) of section
21 14-164i, section 14-219 as specified in subsection (e) of said section,
22 subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a,
23 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
24 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section
25 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, as
26 amended by this act, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
27 subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33,
28 subdivision (1) of section 15-97, subsection (a) of section 15-115, section
29 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
30 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131,
31 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-
32 87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222,
33 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,
34 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,
35 20-249, 20-257, 20-265, 20-324e, 20-341l, subsection (b) of section 20-334,
36 as amended by this act, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-
37 39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2,
38 subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of
39 subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a)
40 of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection
41 (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of
42 subsection (a) of section 21a-159, as amended by this act, subsection (a)
43 of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g,
44 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d,
45 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-
46 90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-
47 320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-
48 344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or
49 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-

50 256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section
51 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b,
52 subsection (a) or subdivision (1) of subsection (c) of section 23-65,
53 section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d,
54 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-
55 55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-
56 61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87,
57 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128,
58 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186,
59 section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-
60 226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-
61 284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z
62 or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-
63 161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243
64 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-
65 381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16,
66 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48,
67 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69,
68 section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection
69 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,
70 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658,
71 subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24,
72 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-
73 252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-
74 331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2)
75 a violation under the provisions of chapter 268, or (3) a violation of any
76 regulation adopted in accordance with the provisions of section 12-484,
77 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
78 bylaw of any town, city or borough, except violations of building codes
79 and the health code, for which the penalty exceeds ninety dollars but
80 does not exceed two hundred fifty dollars, unless such town, city or
81 borough has established a payment and hearing procedure for such
82 violation pursuant to section 7-152c, shall follow the procedures set
83 forth in this section.

84 Sec. 2. Subsection (b) of section 20-334 of the general statutes is

85 repealed and the following is substituted in lieu thereof (*Effective*
86 *October 1, 2019*):

87 (b) The Department of Consumer Protection shall furnish to each
88 qualified applicant a license certifying that the holder thereof is
89 entitled to engage in the work or occupation for which the person has
90 been issued a license under this chapter, and the holder of such license
91 shall carry it on his person while engaging in such work or occupation.
92 Such license shall be shown to any properly interested person on
93 request. No such license shall be transferred to or used by any person
94 other than the person to whom the license was issued. Contractors
95 ~~[shall]~~ that fail to display their state license number on all commercial
96 vehicles used in their business and ~~[shall display such number]~~ in a
97 conspicuous manner on all ~~[printed]~~ advertisements, bid proposals,
98 contracts, invoices and on all stationery used in their business may be
99 fined not more than five hundred dollars per violation. The
100 department shall keep a register in which shall be entered the names of
101 all persons to whom such licenses are issued. The register shall be at all
102 times open to public inspection.

103 Sec. 3. Section 14-318 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective January 1, 2020*):

105 Terms used in this chapter shall be construed as follows, unless
106 another construction is clearly apparent from the language or context
107 in which the term is used or unless the construction is inconsistent
108 with the manifest intention of the General Assembly:

109 (1) The following terms shall be construed as they are defined in
110 section 14-1: "Fuels", "motor vehicle" and "person";

111 (2) "Commissioner" means the Commissioner of Consumer
112 Protection or any assistant to the Commissioner of Consumer
113 Protection who is designated and authorized by, and who is acting for,
114 the Commissioner of Consumer Protection;

115 (3) "Distributor" means any person, wherever resident or located,

116 who imports fuels or causes fuels to be imported into this state, for sale
117 or use; a person who produces, refines, manufactures or compounds
118 fuels within this state; and a person who distributes gasoline by tank
119 wagon in this state;

120 (4) "Local authority" means the selectmen or town manager of a
121 town, the mayor of a city or the warden of a borough or other board or
122 authority designated by local charter, regulation or ordinance, except
123 in any town or city having a zoning commission and a board of
124 appeals, "local authority" means the board of appeals;

125 (5) "United States Government Motor Gasoline" means gasoline
126 which is or may be prescribed by the federal specification board of the
127 United States government for use as fuel for motor vehicle, motor boat
128 and similar engines;

129 (6) "United States Aviation Gasoline, Domestic Grade" means that
130 gasoline which is or may be prescribed by the federal specification
131 board of the United States government for use as aviation fuel; [and]

132 (7) "Retail dealer" means any person operating a service station,
133 filling station, store, garage or other place of business for the sale of
134 motor fuel for delivery into the service tank or tanks of any vehicle
135 propelled by an internal combustion engine; [.] and

136 (8) "On-demand mobile fueling" means the delivery of gasoline
137 directly from a mobile tank truck to the fuel tank of a motor vehicle.

138 Sec. 4. Subsection (a) of section 14-319 of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective*
140 *January 1, 2020*):

141 (a) No person shall sell or offer for sale any gasoline or other
142 product intended for use in the propelling of motor vehicles using
143 combustion type engines over the highways of this state without
144 having applied for and received from the commissioner a license to sell
145 such gasoline or other product. Each person applying for any such
146 license shall, in such application, state the location of each place or

147 station where such person intends to sell or offer for sale any such
148 gasoline or other product, or, if an on-demand mobile fueling
149 operation is seeking licensure in accordance with chapter 14 of the
150 National Fire Protection Association Standard 30A, state the business
151 location and service area of such operation. Each such license shall be
152 renewed annually. A license fee for each such place or station shall be
153 charged as follows: For each station at a fixed location containing one
154 pump, one hundred dollars; and, for each station containing more than
155 one pump, one hundred dollars, plus twenty-eight dollars for each
156 pump in excess of one, and for each on-demand mobile fueling
157 operation, five hundred dollars for the first mobile tank truck and one
158 hundred dollars for each additional mobile tank truck. The fees shall
159 be paid to the commissioner.

160 Sec. 5. Section 21a-152 of the general statutes is repealed and the
161 following is substituted in lieu thereof (*Effective October 1, 2019*):

162 (a) Each bakery, food warehouse and food manufacturing
163 establishment shall be designed, constructed and operated as the
164 Commissioner of Consumer Protection directs pursuant to sections
165 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, and
166 chapter 418.

167 (b) No person, firm or corporation shall operate a bakery, food
168 warehouse or food manufacturing establishment with the intent of
169 producing or storing products for human consumption without having
170 obtained from said commissioner a license. Application for such
171 license shall be made on forms, furnished by the commissioner,
172 showing the name and address of such bakery, food warehouse or
173 food manufacturing establishment. Bakeries shall show the number of
174 persons engaged in the production of bread and pastry products,
175 excluding porters, dishwashers, drivers, sales personnel and other
176 employees not directly engaged in such production. The commissioner
177 shall cause an inspection to be made of the premises described in the
178 application and, if conditions are found satisfactory, such license shall
179 be issued. No person, firm or corporation operating a bakery, food

180 warehouse or any agent, servant or employee thereof, shall refuse,
181 hinder or otherwise interfere with access by the commissioner or his
182 authorized representative for the purpose of conducting an inspection.
183 No person, firm or corporation shall (1) sell or distribute bread, cakes,
184 doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni or
185 other food products, including frozen or canned baked goods made in
186 whole or in part of flour or meal produced in any bakery located
187 within or beyond the boundaries of this state, [or shall] (2) sell or
188 distribute food produced in a food manufacturing establishment
189 located within the boundaries of this state, or (3) store any food for
190 wholesale distribution in a food warehouse, unless such bakery or
191 food manufacturing establishment has obtained a license from said
192 commissioner. Facilities licensed pursuant to chapter 417 as food
193 vendors and frozen dessert vendors, and all facilities licensed pursuant
194 to chapters 419a and 430 shall be exempt from such licensing
195 requirement. The commissioner may promulgate regulations excepting
196 out-of-state manufacturers of products, commonly known as cookies,
197 crackers, brown bread or plum puddings in hermetically sealed
198 containers and other similar products, from the license provisions of
199 this section. Such license shall be valid for one year and a fee therefor
200 shall be collected as follows: From a person, firm or corporation
201 owning or conducting a bakery in which there are four persons or
202 fewer engaged in the production of bread and pastry products, twenty
203 dollars; in which there are not fewer than five nor more than nine
204 persons so engaged, forty dollars; in which there are not fewer than ten
205 nor more than twenty-four persons so engaged, one hundred dollars;
206 in which there are not fewer than twenty-five nor more than ninety-
207 nine persons so engaged, two hundred dollars; in which there are
208 more than one hundred persons so engaged, two hundred fifty dollars.
209 The fee for a food manufacturer license shall be twenty dollars
210 annually.

211 (c) A bakery, food warehouse or food manufacturer license may be
212 revoked by said commissioner for violation of sections 21a-151 to [21a-
213 159] 21a-160, inclusive, as amended by this act, after a hearing
214 conducted in accordance with chapter 54. In addition, a bakery or food

215 manufacturer license may be summarily suspended pending a hearing
216 if said commissioner has reason to believe that the public health, safety
217 or welfare imperatively requires emergency action. Within ten days
218 following the suspension order said commissioner shall cause to be
219 held a hearing which shall be conducted in accordance with the
220 provisions of said chapter 54. Following said hearing said
221 commissioner shall dissolve such suspension or order revocation of the
222 bakery, food warehouse or food manufacturer license. Any person,
223 firm or corporation whose license has been revoked may make
224 application for a new license and said commissioner shall act on such
225 application within thirty days of receipt. The costs of any inspections
226 necessary to determine whether or not an applicant, whose license has
227 been revoked, is entitled to have a new license granted shall be borne
228 by the applicant at such rates as the commissioner may determine.
229 Said commissioner may refuse to grant any bakery, food warehouse or
230 food manufacturer license if he or she finds that the applicant has
231 evidenced a pattern of noncompliance with the provisions of sections
232 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act. Prima
233 facie evidence of a pattern of noncompliance shall be established if said
234 commissioner shows that the applicant has had two or more bakery,
235 food warehouse or food manufacturer licenses revoked.

236 (d) All vehicles used in the transportation of bakery or food
237 warehouse products shall be kept in a sanitary condition and shall
238 have the name and address of the bakery, or food warehouse owner,
239 operator or distributor legibly printed on both sides. Each
240 compartment in which unwrapped bakery or food warehouse
241 products are transported shall be enclosed in a manner approved by
242 the commissioner.

243 (e) The provisions of this section shall not prevent local health
244 authorities from enforcing orders or regulations concerning the
245 sanitary condition of bakeries, [or food manufacturing establishments.]

246 (f) Any person who desires to obtain a license under the provisions
247 of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this

248 act, shall first obtain and present to the commissioner a certificate of
249 approval of the location for which such license is desired. The
250 certificate of approval shall be obtained from the zoning commission,
251 planning and zoning commission or local authority of the town, city or
252 borough in which the facility is located or is proposed to be located. A
253 certificate of approval shall not be required in the case of the transfer
254 of the last issued license from one person to another or in the case of a
255 renewal of a license by the holder of the license. The commissioner
256 shall not issue any license under the provisions of sections 21a-151 to
257 [21a-159] 21a-160, inclusive, as amended by this act, for which a
258 certificate of approval is required until such certificate of approval is
259 obtained by the license applicant.

260 Sec. 6. Section 21a-156 of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective October 1, 2019*):

262 The commissioner shall, from time to time, after inquiry and public
263 hearing, adopt and promulgate regulations to supplement and give
264 full effect to the provisions of sections 21a-151 to [21a-159] 21a-160,
265 inclusive, as amended by this act. Such regulations, among other
266 things, may establish sanitary requirements pertaining to the
267 manufacture and distribution of bread and pastry products. Such
268 regulations may also cover provisions restricting the sale of dangerous,
269 harmful and unwholesome bread and pastry products, the labeling of
270 bread and pastry products, the inspection of bakeries and the
271 establishment of costs for special inspections. The commissioner shall
272 annually review the amounts of bakery and food warehouse license
273 fees referred to in subsection (b) of section 21a-152 and shall increase
274 such fees in order to reflect the costs to the department of carrying out
275 the provisions of sections 21a-151 to [21a-159] 21a-160, inclusive, as
276 amended by this act.

277 Sec. 7. Section 21a-157 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective October 1, 2019*):

279 No employer shall knowingly permit to work in his or her bakery,
280 food warehouse or food manufacturing establishment any person who

281 is affected with any pathogen that is contained in the Centers for
282 Disease Control and Prevention's "List of Infectious and
283 Communicable Diseases which are Transmitted Through the Food
284 Supply", as amended from time to time, except in those cases in which
285 the director of health has given written authorization stating that the
286 public health is not endangered, and each employer shall maintain
287 himself or herself and his or her employees in a clean and sanitary
288 condition, with clean, washable outer clothing, while engaged in the
289 manufacture, handling or sale of food products. The commissioner or
290 his or her authorized agents may order any person employed in a
291 bakery, food warehouse or food manufacturing establishment to be
292 examined by a licensed physician if he or she has reason to believe that
293 such employee has a condition that may transmit a food-borne illness.
294 No person shall be allowed to smoke in a bakery, food warehouse or
295 food manufacturing establishment while in the performance of his or
296 her duty.

297 Sec. 8. Section 21a-158 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2019*):

299 The owner, agent or lessee of any property used as a bakery, food
300 warehouse or food manufacturing establishment shall, within thirty
301 days after the service of notice upon him or her of an order issued by
302 the Commissioner of Consumer Protection, comply therewith or cease
303 to use or allow the use of such premises as a bakery, food warehouse
304 or food manufacturing establishment. Such notice shall be in writing
305 and may be served upon such owner, agent or lessee, either personally
306 or by mail, and a notice by registered or certified letter, mailed to the
307 last-known address of such owner, agent or lessee, shall be sufficient
308 service.

309 Sec. 9. Section 21a-159 of the general statutes is repealed and the
310 following is substituted in lieu thereof (*Effective October 1, 2019*):

311 (a) Any person who violates any provision of sections 21a-151 to
312 [21a-159] 21a-160, inclusive, as amended by this act, or any regulation
313 made thereunder, or fails to comply with an order of the

314 Commissioner of Consumer Protection, shall (1) for a first offense, be
315 fined not more than two hundred fifty dollars, and (2) for any
316 subsequent offense, be guilty of a class D misdemeanor.

317 (b) The commissioner may apply to the Superior Court for and such
318 court may, upon hearing and for cause shown, grant a temporary or
319 permanent injunction enjoining any person from operating a bakery,
320 food warehouse or food manufacturing establishment without a
321 license issued in accordance with sections 21a-151 to [21a-159] 21a-160,
322 inclusive, as amended by this act, irrespective of whether or not there
323 exists an adequate remedy at law. The commissioner also may apply to
324 the Superior Court for, and such court shall have jurisdiction to grant,
325 a temporary restraining order pending a hearing. Such application for
326 injunctive or other appropriate relief shall be brought by the Attorney
327 General.

328 (c) The Commissioner of Consumer Protection, after providing
329 notice and conducting a hearing in accordance with the provisions of
330 chapter 54, may issue a warning citation or impose a civil penalty of
331 not more than one hundred dollars for the first offense and not more
332 than five hundred dollars for each subsequent offense on any person
333 who violates any provision of sections 21a-151 to [21a-159] 21a-160,
334 inclusive, as amended by this act, or any regulation adopted pursuant
335 to section 21a-156, as amended by this act.

336 Sec. 10. Section 21a-160 of the general statutes is repealed and the
337 following is substituted in lieu thereof (*Effective October 1, 2019*):

338 No person, firm or corporation shall operate a food warehouse
339 without having obtained a [certificate of registration] license from the
340 Commissioner of Consumer Protection. Application for a [certificate of
341 registration] license shall be on forms prescribed by the commissioner.
342 The commissioner shall issue a [certificate of registration] license to an
343 applicant who has completed such forms to the satisfaction of the
344 commissioner and has paid the [registration] license fee. A [certificate
345 of registration] license shall be valid for one year and the fee for such
346 [certificate of registration] license shall be twenty dollars.

347 Sec. 11. Section 20-330 of the general statutes is repealed and the
348 following is substituted in lieu thereof (*Effective October 1, 2019*):

349 As used in this chapter:

350 (1) "Contractor" means any person regularly offering to the general
351 public services of such person or such person's employees in the field
352 of electrical work, plumbing and piping work, solar work, heating,
353 piping, cooling and sheet metal work, fire protection sprinkler systems
354 work, elevator installation, repair and maintenance work, irrigation
355 work, automotive glass work or flat glass work, as defined in this
356 section;

357 (2) "Electrical work" means the installation, erection, maintenance,
358 inspection, testing, alteration or repair of any wire, cable, conduit,
359 busway, raceway, support, insulator, conductor, appliance, apparatus,
360 fixture or equipment that generates, transforms, transmits or uses
361 electrical energy for light, heat, power or other purposes, but does not
362 include low voltage wiring, not exceeding twenty-four volts, used
363 within a lawn sprinkler system;

364 (3) "Plumbing and piping work" means the installation, repair,
365 replacement, alteration, [or] maintenance, inspection or testing of gas,
366 water and associated fixtures, tubing and piping mains and branch
367 lines up to and including the closest valve to a machine or equipment
368 used in the manufacturing process, laboratory equipment, sanitary
369 equipment, other than subsurface sewage disposal systems, fire
370 prevention apparatus, all water systems for human usage, sewage
371 treatment facilities and all associated fittings within a building and
372 includes lateral storm and sanitary lines from buildings to the mains,
373 process piping, swimming pools and pumping equipment, and
374 includes making connections to back flow prevention devices, and
375 includes low voltage wiring, not exceeding twenty-four volts, used
376 within a lawn sprinkler system, but does not include (A) solar thermal
377 work performed pursuant to a certificate held as provided in section
378 20-334g, except for the repair of those portions of a solar hot water
379 heating system that include the basic domestic hot water tank and the

380 tie-in to the potable water system, (B) the installation, repair,
381 replacement, alteration, [or] maintenance, inspection or testing of fire
382 prevention apparatus within a structure, except for standpipes that are
383 not connected to sprinkler systems, (C) medical gas and vacuum
384 systems work, and (D) millwright work. For the purposes of this
385 subdivision, "process piping" means piping or tubing that conveys
386 liquid or gas that is used directly in the production of a chemical or a
387 product for human consumption;

388 (4) "Solar thermal work" means the installation, erection, repair,
389 replacement, alteration, [or] maintenance, inspection or testing of
390 active, passive and hybrid solar systems that directly convert ambient
391 energy into heat or convey, store or distribute such ambient energy;

392 (5) "Heating, piping and cooling work" means (A) the installation,
393 repair, replacement, maintenance, inspection, testing or alteration of
394 any apparatus for piping, appliances, devices or accessories for heating
395 systems, including sheet metal work, (B) the installation, repair,
396 replacement, maintenance, inspection, testing or alteration of air
397 conditioning and refrigeration systems, boilers, including apparatus
398 and piping for the generation or conveyance of steam and associated
399 pumping equipment and process piping and the installation of tubing
400 and piping mains and branch lines up to and including the closest
401 valve to a machine or equipment used in the manufacturing process [.]
402 and onsite testing and balancing of hydronic, steam and combustion
403 air, but excluding millwright work, and (C) on-site operation, by
404 manipulating, adjusting or controlling, with sufficient technical
405 knowledge, as determined by the commissioner, (i) heating systems
406 with a steam or water boiler maximum operating pressure of fifteen
407 pounds per square inch gauge or greater, or (ii) air conditioning or
408 refrigeration systems with an aggregate of more than fifty horsepower
409 or kilowatt equivalency of fifty horsepower or of two hundred pounds
410 of refrigerant. Heating, piping and cooling work does not include solar
411 thermal work performed pursuant to a certificate held as provided in
412 section 20-334g, or medical gas and vacuum systems work or the
413 passive monitoring of heating, air conditioning or refrigeration

414 systems. For the purposes of this subdivision, "process piping" means
415 piping or tubing that conveys liquid or gas that is used directly in the
416 production of a chemical or a product for human consumption;

417 (6) "Apprentice" means any person registered with the Labor
418 Department for the purpose of learning a skilled trade;

419 (7) "Elevator installation, repair and maintenance work" means the
420 installation, erection, maintenance, inspection, testing and repair of all
421 types of elevators, dumb waiters, escalators, and moving walks and all
422 mechanical equipment, fittings, associated piping and wiring from a
423 source of supply brought to the equipment room by an unlimited
424 electrical contractor for all types of machines used to hoist or convey
425 persons or materials, but does not include temporary hoisting
426 machines used for hoisting materials in connection with any
427 construction job or project, provided "elevator inspection" includes the
428 visual examination of an elevator system or portion of a system, with
429 or without the disassembly or removal of component parts;

430 (8) "Elevator maintenance" means the lubrication, inspection, testing
431 and replacement of controls, hoistway and car parts;

432 (9) "Fire protection sprinkler systems work" means the layout, on-
433 site fabrication, installation, alteration, maintenance, inspection, testing
434 or repair of any automatic or manual sprinkler system designed for the
435 protection of the interior or exterior of a building or structure from fire,
436 or any piping or tubing and appurtenances and equipment pertaining
437 to such system including overhead and underground water mains, fire
438 hydrants and hydrant mains, standpipes and hose connections to
439 sprinkler systems, sprinkler tank heaters excluding electrical wiring,
440 air lines and thermal systems used in connection with sprinkler and
441 alarm systems connected thereto, foam extinguishing systems or
442 special hazard systems including water spray, foam, carbon dioxide or
443 dry chemical systems, halon and other liquid or gas fire suppression
444 systems, but does not include (A) any engineering design work
445 connected with the layout of fire protection sprinkler systems, or (B)
446 any work performed by employees of or contractors hired by a public

447 water system, as defined in subsection (a) of section 25-33d;

448 (10) "State Fire Marshal" means the State Fire Marshal appointed by
449 the Commissioner of Administrative Services;

450 (11) "Journeyman sprinkler fitter" means a specialized pipe fitter
451 craftsman, experienced and skilled in the installation, alteration,
452 maintenance and repair of fire protection sprinkler systems;

453 (12) "Irrigation work" means making the connections to and the
454 inspection and testing of back flow prevention devices, and low
455 voltage wiring, not exceeding twenty-four volts, used within a lawn
456 sprinkler system;

457 (13) "Sheet metal work" means the onsite layout, installation,
458 erection, replacement, repair or alteration, including, but not limited
459 to, onsite testing and balancing of related life safety components,
460 environmental air, heating, ventilating and air conditioning systems by
461 manipulating, adjusting or controlling such systems for optimum
462 balance performance of any duct work system, ferrous, nonferrous or
463 other material for ductwork systems, components, devices, air louvers
464 or accessories, in accordance with the State Building Code;

465 (14) "Journeyman sheet metal worker" means an experienced
466 craftsman skilled in the installation, erection, replacement, repair or
467 alteration of duct work systems, both ferrous and nonferrous;

468 (15) "Automotive glass work" means installing, maintaining or
469 repairing fixed glass in motor vehicles;

470 (16) "Flat glass work" means installing, maintaining or repairing
471 glass in residential or commercial structures;

472 (17) "Medical gas and vacuum systems work" means the work and
473 practice, materials, instrumentation and fixtures used in the
474 construction, installation, alteration, extension, removal, repair,
475 maintenance, inspection, testing or renovation of gas and vacuum
476 systems and equipment used solely to transport gases for medical

477 purposes and to remove liquids, air-gases or solids from such systems;

478 (18) "Solar electricity work" means the installation, erection, repair,
479 replacement, alteration, [or] maintenance, inspection and testing of
480 photovoltaic or wind generation equipment used to distribute or store
481 ambient energy for heat, light, power or other purposes to a point
482 immediately inside any structure or adjacent to an end use;

483 (19) "Active solar system" means a system that uses an external
484 source of energy to power a motor-driven fan or pump to force the
485 circulation of a fluid through solar heat collectors and which removes
486 the sun's heat from the collectors and transports such heat to a location
487 where it may be used or stored;

488 (20) "Passive solar system" means a system that is capable of
489 collecting or storing the sun's energy as heat without the use of a
490 motor-driven fan or pump;

491 (21) "Hybrid solar system" means a system that contains
492 components of both an active solar system and a passive solar system;

493 (22) "Gas hearth product work" means the installation, service,
494 inspection, testing or repair of a propane or natural gas fired fireplace,
495 fireplace insert, stove or log set and associated venting and piping that
496 simulates a flame of a solid fuel fire. "Gas hearth product work" does
497 not include (A) fuel piping work, (B) the servicing of fuel piping, or (C)
498 work associated with pressure regulating devices, except for
499 appliances gas valves; [and]

500 (23) "Millwright work" means the installation, repair, replacement,
501 maintenance or alteration, including the inspection and testing, of (A)
502 power generation machinery, or (B) industrial machinery, including
503 the related interconnection of piping and tubing used in the
504 manufacturing process, but does not include the performance of any
505 action for which licensure is required under this chapter; [.]

506 (24) "Inspection" means the examination of a system or portion of a
507 system, involving the disassembly or removal of component parts of

508 the system; and

509 (25) "Testing" means to determine the status of a system as intended
510 for its use, with or without the disassembly of component parts of the
511 system, by the use of testing and measurement instruments.

512 Sec. 12. Section 30-55 of the general statutes is repealed and the
513 following is substituted in lieu thereof (*Effective October 1, 2019*):

514 (a) The Department of Consumer Protection may, in its discretion,
515 revoke, [or] suspend or place conditions on any permit or provisional
516 permit or impose a fine of not greater than one thousand dollars, upon
517 cause found after hearing, provided ten days' written notice of such
518 hearing has been given to the permittee setting forth, with the
519 particulars required in civil pleadings, the charges upon which such
520 proposed revocation, [or] suspension or fine is predicated. Any appeal
521 from such order of revocation, [or] suspension or fine shall be taken in
522 accordance with the provisions of section 4-183.

523 (b) The surrender of a permit or provisional permit for cancellation
524 or the expiration of a permit shall not prevent the department from
525 suspending or revoking any such permit pursuant to the provisions of
526 this section.

527 Sec. 13. Subdivision (4) of subsection (c) of section 21a-8 of the
528 general statutes is repealed and the following is substituted in lieu
529 thereof (*Effective from passage*):

530 (4) In addition to any other action permitted under the general
531 statutes, the commissioner may, upon a finding of any cause specified
532 in subsection (c) of section 21a-9: (A) Revoke or suspend a license,
533 registration or certificate; (B) issue a letter of reprimand to a
534 practitioner and send a copy of such letter to a complainant or to a
535 state or local official; (C) place a practitioner on probationary status
536 and require the practitioner to (i) report regularly to the commissioner
537 on the matter which is the basis for probation, (ii) limit the
538 practitioner's practice to areas prescribed by the commissioner, or (iii)

539 continue or renew the practitioner's education until the practitioner
 540 has attained a satisfactory level of competence in any area which is the
 541 basis for probation. The commissioner may discontinue, suspend or
 542 rescind any action taken under this subdivision. If a license,
 543 registration or certificate is voluntarily surrendered or is not renewed,
 544 the commissioner shall not be prohibited from suspending, revoking
 545 or imposing other penalties permitted by law on any such license,
 546 registration or certificate.

547 Sec. 14. Subsection (a) of section 20-455 of the general statutes is
 548 repealed and the following is substituted in lieu thereof (*Effective from*
 549 *passage*):

550 (a) The commission may hold hearings on any matter under the
 551 provisions of sections 20-450 to 20-462, inclusive. The commission or
 552 department may issue subpoenas, administer oaths, compel testimony
 553 and order the production of books, records and documents. If any
 554 person refuses to appear, to testify or to produce any book, record,
 555 paper or document when so ordered, upon application of the
 556 commission or department, a judge of the Superior Court may make
 557 such order as may be appropriate to aid in the enforcement of this
 558 section. Upon a finding of the commission or department, following a
 559 hearing, that an individual has held themselves out as a community
 560 association manager without the proper registration, the commission
 561 or department may issue a cease and desist order and fine the
 562 respondent not more than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	51-164n(b)
Sec. 2	October 1, 2019	20-334(b)
Sec. 3	January 1, 2020	14-318
Sec. 4	January 1, 2020	14-319(a)
Sec. 5	October 1, 2019	21a-152
Sec. 6	October 1, 2019	21a-156
Sec. 7	October 1, 2019	21a-157
Sec. 8	October 1, 2019	21a-158

Sec. 9	<i>October 1, 2019</i>	21a-159
Sec. 10	<i>October 1, 2019</i>	21a-160
Sec. 11	<i>October 1, 2019</i>	20-330
Sec. 12	<i>October 1, 2019</i>	30-55
Sec. 13	<i>from passage</i>	21a-8(c)(4)
Sec. 14	<i>from passage</i>	20-455(a)

Statement of Legislative Commissioners:

In Section 11 of the bill, Subdivisions (7) and (25) were combined for clarity.

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Consumer Protection, Dept.	GF - Revenue Gain	At least 20,000	At least 20,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill revises Department of Consumer Protection (DCP) enforcement statutes and results in various revenue gains and potential revenue gains described below.

Sections 1 and 2 allow DCP to issue a \$500 fine for contractors that fail to display state license numbers on commercial vehicles and results in an estimated \$20,000 revenue gain. It's estimated that there will be at least 40 of these fines per year.

Sections 3 and 4 allow on-demand mobile fueling companies to operate in the state and result in a potential revenue gain to the extent companies apply for this license.

Section 12 will allow DCP to fine up to \$1,000 for liquor permittees who are in violation of the law and results in a potential revenue gain to the extent that these violations occur. The revenue is anticipated to be minimal because the statute doesn't allow for DCP to suspend and fine a permittee at the same time and more serious offenses involve suspensions.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses and violations.

OLR Bill Analysis**sHB 7299*****AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES.*****SUMMARY**

This bill expands the Department of Consumer Protection's (DCP) authority to regulate the activities of certain DCP-licensed, permitted, or registered individuals and entities, including tradespeople, food warehouses, and liquor permittees (§§ 1-2, 5-10, & 12-14). It does so by, among other things, (1) subjecting food warehouses to the laws applicable to bakeries and food manufacturing establishments and (2) increasing the breadth of DCP's enforcement options with regard to specified licensees, registrants, and permittees.

The bill also:

1. makes on-demand mobile fueling operators eligible for a gasoline retailer license (§§ 3 & 4);
1. eliminates a provision specifying that the food manufacturing establishment standards enforcement statutes do not prevent local health authorities from enforcing orders or regulations concerning sanitary conditions (§ 5);
2. specifies that for purposes of tradesperson licensing statutes, regulated work includes inspecting and testing the relevant systems (§ 11); and
3. specifically allows DCP to suspend, revoke, or impose other penalties permitted by law on certain licenses or certificates that are voluntarily surrendered or not renewed (§ 13).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Various, see below.

§§ 1 & 2 — DISPLAYING TRADESPERSON LICENSE NUMBER

By law, DCP-licensed tradesperson contractors must display their state license number on commercial vehicles and printed advertisements, bid proposals, contracts, invoices, and stationary they use in their business. The bill instead requires the license number to be included on any such written materials, whether printed or not.

The bill subjects contractors that do not comply with license number display requirements to a fine of up to \$500, which may be paid under the state's infraction procedures (i.e., one may pay the fine by mail to the Centralized Infractions Bureau without making a court appearance).

EFFECTIVE DATE: October 1, 2019

§§ 3 & 4 — ON-DEMAND GASOLINE DELIVERY SERVICES

The bill establishes gasoline retailer licensing provisions applicable to individuals seeking to deliver gasoline directly from a mobile fuel tank truck to a motor vehicle's fuel tank ("on-demand mobile fueling"). Under current law, only service stations, filling stations, and similar stationary retail establishments selling gasoline to consumers for use in motor vehicles are eligible for a DCP-issued gasoline retailer license.

To obtain a DCP license under the bill, the operator-applicant must provide their business location and service area. The license fee is \$500 for the first mobile tank truck and \$100 for each additional truck.

Under the bill, for an on-demand mobile fueling operation to be eligible for a license, it must seek licensure in accordance with chapter 14 on the National Fire Protection Association Standard 30A. Chapter 14 establishes standards for on-demand mobile fueling and, among other things, (1) prohibits such fueling within 25 feet of buildings, property lines, or combustible storage and (2) sets standards for mobile fueling delivery vehicles.

EFFECTIVE DATE: January 1, 2020

§§ 5-10 — FOOD WAREHOUSES

General Requirements

The bill generally subjects food warehouses to the laws applicable to bakeries and food manufacturing establishments.

Generally, food warehouses are buildings or a part thereof where food is stored for wholesale distribution, provided such building or part thereof is used primarily for importing, storing, or distributing packaged food and not for operating a bakery or food manufacturing establishment. Packaged foods are those enclosed in a container or wrapping that do not allow food to be removed without breaking or tearing the wrapping, container, or seals (CGS § 21a-151).

Under the bill, food warehouses must be designed, constructed, and operated under the same laws that apply to bakeries and food manufacturing facilities, including requirements that prohibit employees from working in such an establishment if they have certain communicable diseases and smoking in such an establishment (§ 5 & 7).

Any vehicles used to transport food warehouse products must comply with the requirements applicable to those transporting bakery products, including displaying legibly on both sides of the vehicle, the name and address of the warehouse owner, operator, or distributor (§ 5).

Licensing and Enforcement Actions

Under current law, food warehouses must obtain a DCP certificate of registration annually; under the bill, they must obtain a DCP license annually, following an inspection. Food warehouse applicants, like bakery and food manufacturing establishment applicants, must show that their facility is operating in a location that complies with local land use regulations.

Under the bill, a warehouse's license may be revoked, after a

hearing under the Uniform Administrative Procedure Act, for violations of applicable laws. But unlike bakery and food manufacturing establishment licenses, food warehouse licenses are not subject to summary suspensions pending a hearing. Warehouses are subject to DCP enforcement orders and associated fines and penalties, just as bakeries and food manufacturing establishments are under existing law (certain offenses are a class D misdemeanor, punishable by a fine of up to \$250, up to 30 days imprisonment, or both) (§§ 5, 8, 9, & 10).

EFFECTIVE DATE: October 1, 2019

§ 11 — INSPECTION AND TESTING ACTIVITIES

The bill specifies that for purposes of DCP’s tradesperson licensing statutes, work in the following fields includes inspecting and testing the relevant systems:

1. electrical;
2. plumbing and piping work;
3. solar thermal;
4. heating, piping, and cooling;
5. elevator installation, repair, and maintenance;
6. fire protection sprinkler systems;
7. lawn irrigation;
8. medical gas and vacuum systems;
9. solar electricity;
10. gas hearth products; and
11. millwright work.

Under the bill, “testing” means determining a system’s status given

its intended use, with or without disassembling its component parts, using testing and measurement instruments. The bill's definition of "testing" also applies to existing law's definition of sheet metal work.

Under the bill, "inspection" means the examination of a system or portion thereof, involving disassembling or removing its component parts. But the bill specifically defines "elevator inspection" for purposes of the elevator installation, repair, and maintenance field as the visual examination of an elevator system or portion thereof, with or without the disassembly or removal of component parts.

The bill also expands the scope of the:

1. elevator maintenance field (which in statute is distinct from elevator installation, repair, and maintenance) to include the testing of controls, hoistway, and car parts (inspection of such parts is already deemed part of the field), and
2. heating, piping, and cooling field to include onsite testing and balancing of hydronic, steam, and combustion air systems.

EFFECTIVE DATE: October 1, 2019

§ 12 — LIQUOR CONTROL ACT PERMITTEES

The bill expands DCP's enforcement options for violations of the Liquor Control Act by subject permittees and provisional permittees. Under current law, after a hearing, DCP may either revoke or suspend a permit for violations of the act. Under the bill, DCP may alternatively, after a hearing, place conditions on a permit or impose a fine of up to \$1,000.

If a fine is imposed, notice of the hearing must include the charges on which the fine is based. Fines may be appealed in the same manner as revocations and suspensions (i.e., appealed to Superior Court). (The bill does not require the hearing notice to include a basis for imposing conditions; nor does it establish an appeals procedure for permittees subject to such conditions.)

EFFECTIVE DATE: October 1, 2019

§ 13 — SURRENDERED OR EXPIRED CREDENTIALS

The bill specifically allows DCP to suspend, revoke, or impose other penalties permitted by law on certain licenses or certificates that are voluntarily surrendered or not renewed. DCP's authority extends to licenses and certificates held by individuals subject to the oversight of the following boards and commissions:

1. Architectural Licensing Board;
2. examining boards for electrical work; plumbing and piping work; heating, piping, cooling and sheet metal work; elevator installation, repair and maintenance work; fire protection sprinkler systems work; and automotive glass work and flat glass work;
3. Commission of Pharmacy;
4. State Board of Landscape Architects;
5. State Board of Examiners for Professional Engineers and Land Surveyors;
6. Connecticut Real Estate Commission;
7. Connecticut Real Estate Appraisal Commission;
8. State Board of Examiners of Shorthand Reporters;
9. Liquor Control Commission;
10. Home Inspection Licensing Board; and
11. State Board of Accountancy.

EFFECTIVE DATE: Upon passage

§ 14 — UNREGISTERED COMMUNITY ASSOCIATION MANAGERS

Under the bill, if following a hearing, DCP or the Connecticut Real

Estate Commission finds that an individual has held themselves out as a community association manager without the required DCP registration, DCP or the commission may issue a cease and desist order and fine the individual up to \$500.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 11 Nay 5 (03/21/2019)